

1 **Mark J. Werksman, Esq. (State Bar No. 120767)**
2 **Karen M. Sosa, Esq. (State Bar No. 269429)**
3 **WERKSMAN JACKSON & QUINN LLP**
4 **888 West Sixth Street, Fourth Floor**
5 **Los Angeles, California 90017**
6 **Telephone: (213) 688-0460**
7 **Facsimile: (213) 624-1942**

8 **Attorneys for Defendant**
9 **GARY DAVID GOULIN**

10
11 **UNITED STATES DISTRICT COURT**
12 **CENTRAL DISTRICT OF CALIFORNIA**
13

14 **THE UNITED STATES OF**
15 **AMERICA,**

16 **Plaintiff,**

17 **vs.**

18 **GARY DAVID GOULIN,**

19 **Defendant.**

20 **No. 2:22-CR-476-MEMF**

21 **DEFENDANT GARY GOULIN'S**
22 **SENTENCING MEMORANDUM**
23 **AND EXHIBITS**

24 **Date: October 13, 2023**
25 **Time: 10:00 a.m.**
26
27
28

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26 **TO THE HONORABLE MAAME EWUSI-MENSAH FRIMPONG, UNITED**
27 **STATES DISTRICT JUDGE, AND ASSISTANT UNITED STATES**
28 **ATTORNEY SARAH LEE:**

1 Defendant, Gary David Goulin ("Mr. Goulin"), by and through his counsel
2 of record, Werksman Jackson & Quinn LLP, hereby files his Sentencing
3 Memorandum. Mr. Goulin's position is based upon the factual basis established
4 pursuant to his plea agreement, the PSR, the attached Memorandum of Points and
5 Authorities, all documents filed herewith, and any oral argument presented at the
6 sentencing hearing pursuant to Federal Rule of Criminal Procedure, Rule 32(c)(1).

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1 Dated: September 29, 2023

2 Respectfully submitted,
3 WERKSMAN JACKSON & QUINN LLP

4 

5 Mark J. Werksman
6 Karen M. Sosa
7 Attorneys for Defendant
8 Gary David Goulin
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I.

INTRODUCTION

On April 26, 2023, Mr. Goulin pleaded guilty to one count of Possessing Child Pornography in violation of 18 U.S.C. § 2252A(a)(5)(B), (b)(2). (PSR ¶¶ 1-2.) Pursuant to the plea agreement, Mr. Goulin agreed to argue for no less than 48 months in prison. (ECF Doc. 27, Plea Agreement, p. 17.) Mr. Goulin also agreed to a fifteen-year period of post-release supervision and a base fine of \$25,000. (Ibid.) In this sentencing memorandum, Mr. Goulin sets forth the justification for a custodial sentence of 48 months.

In the Pre-Sentence Report (“PSR”) filed September 8, 2023, Probation identified a base offense level of 18 by applying United States Sentencing Guidelines (“U.S.S.G.”) § 2G2.2(a)(1). (PSR ¶ 28.) Under Specific Offense Characteristics, Probation added two levels for material depicting a minor younger than 12 (U.S.S.G. § 2G2.2(b)(2)), four levels for material depicting sadism and/or masochism (U.S.S.G. § 2G2.2(b)(4)(A)), two levels for the use of a computer to obtain the material (U.S.S.G. § 2G2.2(b)(6)), and five levels for possession of over 600 images (U.S.S.G. § 2G2.2(b)(7)(d)). (PSR ¶¶ 29-37.) Thus, Probation calculated an adjusted offense level of 31, which comports with the parties’ agreement under the plea agreement. (ECF Doc. 27, Plea Agreement, p. 16.) Probation credited Mr. Goulin with a three-level reduction for acceptance of responsibility for the offense, pursuant to U.S.S.G. § 3E1.1(a) and (b). (PSR ¶¶ 43-44.) Therefore, Probation ultimately calculated a total offense level of 28 (guidelines range 78 to 97 months in criminal history category I). (PSR ¶ 97.)

After considering all factors under 18 U.S.C. § 3553(a), Probation recommended a downward variance to a sentence of 60 months, participation in the RDAP program, 15 years of post-release supervision, and a fine of \$25,000. (ECF Doc. 32, Disclosed Recommendation Letter, pp. 1-2.)

Any offense involving child pornography is undeniably serious and

1 inexcusable. The first person to agree with that would be Mr. Goulin. He has
2 written to the Court to express his reflections on his crime after two years of
3 counseling, learning, and reflecting. But more than mere words, Mr. Goulin's
4 *actions* since his arrest demonstrate to the Court his acceptance of responsibility
5 and his commitment to reform.

6 In light of the entirety of the circumstances, Mr. Goulin requests a sentence
7 of 48 months incarceration, along with all the other terms and conditions agreed
8 upon in the plea agreement. Mr. Goulin respectfully requests that the Court
9 recommend that he serve this time at FCI Terminal Island to be near his family.
10 This sentence is appropriate and will satisfy the interests of justice in this case.

11 II.

12 STATEMENT OF FACTS

13 A. MR. GOULIN'S BACKGROUND, EDUCATION, AND 14 EMPLOYMENT

15 Gary Goulin was born on February 4, 1961, in Minneapolis, Minnesota.
16 (PSR ¶ 57.) Mr. Goulin was one of three children, and he lived in a loving and
17 supportive home with extended family nearby. (PSR ¶ 60.) His father, who passed
18 away from cancer in 2013, worked as a bookkeeper. (PSR ¶ 57.) Mr. Goulin's
19 mother is 84 years old, and she worked as a branch manager for a bank until her
20 retirement. (Ibid.) Even following his parents' divorce when Mr. Goulin was 14,
21 Mr. Goulin remained close with both of his parents. (PSR ¶ 61.)

22 Mr. Goulin has been consistently employed since he was a teenager,
23 working in summers to save up for college, then working through college and
24 medical school. (PSR ¶ 62; **Exhibit A**, Mr. Goulin's Personal Statement.) Mr.
25 Goulin attended Johns Hopkins University in Baltimore, Maryland, from 1979 to
26 1983, earning a B.A. in Behavioral Biology. (PSR ¶ 65.) From there, he went on to
27 the Mayo Medical School in Rochester, Minnesota, where he earned his Doctor of
28

1 Medicine in 1987. (Ibid.) His intention was to become a surgeon, but through the
2 course of his training, he changed specialties to pediatrics. (Ibid.)

3 In 1987, Mr. Goulin moved to Los Angeles for his internship and residency
4 at Children's Hospital Los Angeles, where he completed his general pediatric
5 training. (**Exhibit A.**) He then completed a fellowship in pediatric critical care at
6 Children's Hospital and Health Center of San Diego. (Ibid.) In 1993, Mr. Goulin
7 moved to Ft. Lauderdale, Florida, to work as a Staff Pediatric Intensivist. (Ibid.) In
8 Ft. Lauderdale, Mr. Goulin first started to live as an openly gay man, having lived
9 a "closeted", compartmentalized life until then. (Ibid.) However, he remained
10 "closeted" at work due to the strong prejudice and discrimination that existed at
11 that time. (Ibid.)

12 Shortly thereafter, Mr. Goulin returned to Los Angeles to work at Valley
13 Presbyterian Hospital. (Ibid.) In 1994, Mr. Goulin met his now-husband Sanford
14 Weinberg. (PSR ¶ 67.) They have been together in a committed relationship ever
15 since, and in 2017, they were married in Beverly Hills. (Ibid.) Mr. Weinberg has
16 been supportive of Mr. Goulin throughout this case. (Ibid.)

17 Mr. Goulin first started work at Cedars-Sinai Medical Center in 1996 as a
18 Staff Pediatric Intensivist. (**Exhibit A.**) He eventually rose to be Associate Director
19 of the Pediatric Intensive Care Unit. (PSR ¶ 86.) Mr. Goulin remained at Cedars-
20 Sinai until his arrest in 2021, with an unblemished twenty-five-year record of
21 patient care. (Ibid.) Mr. Goulin also taught at the David Geffen School of Medicine
22 at UCLA. (PSR ¶ 66.)

23 Starting in 1999, Mr. Goulin visited Ecuador every year for ten years as part
24 of a medical mission providing heart surgery for indigent patients. (Ibid.; **Exhibit**
25 **A.**) He served on forty hospital committees and belonged to eight professional
26 organizations. (**Exhibit A.**) Mr. Goulin was a designated subject matter expert for
27 the National Ebola Teaching and Education Center. (Ibid.) Mr. Goulin had no
28 history of any professional complaints or disciplinary actions.

1 Since his arrest in November 2021, Mr. Goulin has diligently sought new
 2 employment. He has applied to over 140 positions since January 2022. (**Exhibit B**,
 3 Job Applications) Unfortunately, most did not respond, and he has not been hired.
 4 In the meantime, he has spent his time volunteering with Project Angel Food,
 5 attending counseling, and contributing significantly to Sexual Compulsives
 6 Anonymous, as will be discussed below.

7 While Mr. Goulin does have some financial resources, his net worth is
 8 overstated in the PSR. Mr. Goulin and his husband Mr. Weinberg have always
 9 maintained separate assets and accounts. The 2021 BMW is not owned by Mr.
 10 Goulin; it is leased by his husband and therefore is neither an asset nor a liability of
 11 Mr. Goulin's. (PSR ¶ 88.) Furthermore, Mr. Goulin owns just 39% of the house at
 12 6617 Maryland Drive, for a gross value of \$1,143,139.53. (**Exhibit C**, Home
 13 Ownership Documents.) Mr. Goulin and his husband are jointly obligated on the
 14 mortgage. Thus, with those two items adjusted, Mr. Goulin's total net worth is
 15 \$2,478,424.15.

16 **B. MR. GOULIN'S PHYSICAL AND MENTAL HEALTH**

17 As chronicled in the PSR, Mr. Goulin suffers from several chronic
 18 conditions, including Human Immunodeficiency Virus, Hyperlipidemia, and
 19 Hypertension. (PSR ¶ 73.) In August 2023, he was diagnosed with chronic kidney
 20 disease and a cyst on his right kidney. (**Exhibit D**, August 2023 Kidney Disease
 21 Diagnosis.) Mr. Goulin takes a number of daily medications: Losartan, AndroGel,
 22 Biktarvy, Aspirin, Vascepa, Niacinimide, Vitamin D supplement, CoQ 10, and
 23 Atorvastatin. (PSR ¶ 74.)

24 Mr. Goulin's mental health has declined since 2018. In 2018, Mr. Goulin
 25 experienced significant job insecurity and threatened decrease in pay due to the
 26 hospital's austerity measures. (PSR ¶ 68.) The stress made it difficult for him to
 27 sleep, and he began abusing Ambien and his prescription anti-anxiety medications
 28 in response to the stress. (Ibid.) It was also at this time that he increasingly turned

1 to pornography as a coping mechanism. (Ibid.) By 2020, he realized he was
 2 struggling with addiction to pornography. (Ibid.) The stress of this case has also
 3 taken a toll on his mental health. Mr. Goulin takes 10mg daily of Citalopram for
 4 anxiety and depression, 100mg twice daily of Gabapentin for anxiety, and 0.5mg
 5 daily (as needed) of Clonazepam for anxiety. (PSR ¶ 78; **Exhibit E**, September
 6 2023 Updated Medications List) Mr. Goulin's dependence on and addiction to
 7 Clonazepam was noted by Probation and is described at length by his
 8 psychologists, Dr. Gerard Bryant and Dr. Guy Lewis. (**Exhibit F**, Psychologists'
 9 Letters.)

10 **III.**

11 **MEMORANDUM OF POINTS AND AUTHORITIES**

12 Title 18 U.S.C. § 3553(a) requires the Court to impose a sentence that is
 13 "sufficient, but not greater than necessary" to achieve the goals of sentencing.
 14 Under § 3553, factors considered to make this determination include: 1) the nature
 15 and the circumstances of the offense and the history and characteristics of the
 16 defendant; 2) the purposes of sentencing; 3) the kind of sentences available, 4) the
 17 United States Sentencing Guidelines calculation; 5) pertinent policy statements; 6)
 18 the need to avoid unwarranted sentence disparities; and 7) the need to provide
 19 restitution. 18 U.S.C. § 3553(a). In considering § 3553(a) factors, a court may
 20 consider formerly discouraged factors or facts that would not have met pre-Booker
 21 standards for departures. See United States v. McBride, 434 F.3d 470, 476 (6th Cir.
 22 2006) ("Now, because the Guidelines are no longer mandatory and the district
 23 court need only consider them along with its analysis of the section 3553(a) factors
 24 . . . many of the very factors that used to be grounds for a departure under the
 25 Guidelines are now considered by the district court—with greater latitude—under
 26 section 3553(a)."); see also United States v. Booker, 543 U.S. 220, 301 (2005)
 27 (Stevens, J., dissenting) ("[T]here can be no 'departure' from a mere suggestion.").

1 As set forth below, all § 3553(a) factors considered together warrant a
2 sentence of 48 months for Mr. Goulin.

3 **A. SECTION 3553(a)(1): THE HISTORY AND CHARACTERISTICS OF**
4 **THE DEFENDANT**

5 Among the 18 U.S.C. § 3553(a) factors to consider is the nature and
6 circumstances of the offense and the history and characteristics of Mr. Goulin. As
7 one court noted, “Surely, if ever a man is to receive credit for the good he has
8 done, and his immediate misconduct assessed in the context of his overall life
9 hitherto, it should be at the moment of his sentencing, when his very future hangs
10 in the balance.” United States v. Adelson, 441 F. Supp. 2d 506 (S.D.N.Y. 2006).

11 **1. MR. GOULIN’S HISTORY AND CHARACTERISTICS ARE**
MITIGATING

12 Mr. Goulin is 62 years old and, apart from this offense, has lived an
13 upstanding life. He excelled in school and went to a top college and a top medical
14 school. Not only did he do well, but he also worked throughout to support himself.
15 From the time he graduated from medical school 36 years ago, he dedicated
16 himself to helping children in pediatric critical care. Day in and day out, he faced
17 the most emotionally wrenching situations many of us can imagine. He has written
18 to the Court about being with terminally ill children as they passed, comforting
19 their parents, and attending their funerals. (**Exhibit A**.) Looking to do more good
20 in the world, he travelled to Ecuador to perform life-saving operations on indigent
21 children who would never see a facility like Cedars-Sinai. (Ibid.) He taught at
22 UCLA, he served on professional committees and organizations, and he published
23 peer-reviewed articles in his field. (Ibid.) He regularly worked 80-hour weeks, for
24 the love of providing care to sick children. (Ibid.)

25 A registered nurse who worked with Mr. Goulin for 25 years wrote, “Gary
26 always navigated these serious and heart-breaking cases with unique skill and
27 profound empathy. I was always struck by his honesty and compassion when
28 working with families.” (**Exhibit G**, p. 3, Letter from Katie Larkin.) Ms. Larkin

1 writes not only about how much Mr. Goulin cared for patients but that he “was a
2 champion for nurses and our critical role in patient care. . . I and my fellow nurses
3 trusted Gary and comfortably went to him with our questions or concerns, and he
4 always maintained a positive and supportive attitude.” (Id. at p. 4.) Another
5 colleague wrote, “I have been present when he spoke with families to tell them that
6 their child was dying, and witnessed the kindness and sensitivity he displayed. As
7 for all who are adept and engaged with this work, the emotional toll is relentless,
8 yet Gary never wavered from this important, but often ignored part of medical
9 care.” (**Exhibit G**, p. 8, Letter from Susan Blanchard.)

10 Mr. Goulin accepts responsibility for his conduct and understands that he
11 made a terrible choice. His references have all written that Gary was honest with
12 them about the offense and that “he was chastened and remorseful in our very
13 difficult conversation.” (**Exhibit G**, p. 2, Letter from Donald Finlayson.) A former
14 colleague wrote, “It is not surprising to me that [Mr. Goulin] has expressed
15 profound regret and is extremely remorseful for his actions. . . . Gary has expressed
16 his struggle with how to make amends for his actions. . . . I strongly believe that
17 Gary has learned from this egregious act.” (**Exhibit G**, p. 7, Letter from Lisa
18 Sitzman.) “I know he will grow from this experience and find a new way to help
19 people with the same passion that led him to be a successful doctor who helped his
20 patients for over 30 years.” (**Exhibit G**, p. 1, Letter from Bruce Hoberman.)

21 These letters all speak to Mr. Goulin’s proven track record as a kind, caring,
22 dedicated professional. They also speak to his character for honesty and
23 compassion, his complete acceptance of responsibility for what he did, and his
24 commitment to moving forward during and after his sentence as a reformed,
25 productive, contributing member of society.

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1 **2. MR. GOULIN'S ACTIONS SINCE ARREST INDICATE THAT**
2 **HE IS MAXIMALLY MOTIVATED TO REFORM**

3 Mr. Goulin cannot go back and undo his offending behavior. Therefore, he
4 has done everything in his power since November 2021 to completely change his
5 behavior, his thoughts, and his life for the better. These actions undergird Mr.
6 Goulin's words about what the Court can expect from him going forward.

7 First, Mr. Goulin immediately began attending Sexual Compulsives
8 Anonymous meetings. The extent of his participation is detailed below, but in
9 short, he has attended over 560 meetings since his arrest less than two years ago.
10 (**Exhibit H**, SCA Meetings.) He has taken on leadership roles in the broader SCA
11 organization and routinely leads meetings, sharing his own reflections and learning
12 and encouraging others to do the same. He is committed to his own betterment as
13 well as helping others overcome their offending behavior.

14 Second, Mr. Goulin enrolled in a year-long, state certified treatment program
15 for Sexually Offending Behavior Recovery (SOBR). (**Exhibit I**, SOBR Program
16 Letters and Evaluations.) He successfully graduated from the program in January
17 2023 as a "Very Low Risk" offender and with a glowing evaluation from program
18 director Sharon O'Hara. (**Exhibit I**, pp. 13-14.) Since his arrest, he has maintained
19 oversight software on all of his devices, which confirms that he has not accessed
20 any pornography. (Ibid.) After the completion of that program, he continued group
21 therapy with SPERO Psychological Services.

22 Third, Mr. Goulin has attended weekly individual therapy and weekly or bi-
23 weekly psychiatric sessions to address the stresses and triggers that led him into the
24 pornography addiction that spiraled into the offending conduct. (**Exhibit F**.)

25 Fourth, Mr. Goulin has doggedly sought employment after being fired from
26 Cedars-Sinai and losing his license as a result of this arrest. Since January 2022, he
27 has applied for 143 jobs, ranging from online customer service representative to
28

1 office assistant to receptionist. (**Exhibit B.**) No work is beneath Mr. Goulin, who
 2 wants to be productive and begin rebuilding his life from the ground up.

3 Fifth, while his job search has been ongoing, Mr. Goulin has volunteered
 4 weekly at Project Angel Food, a reputable 501(c)(3) charity that prepares and
 5 delivers meals for people debilitated by illness. (**Exhibit J**, Project Angel Food
 6 Volunteer Hours.) He started in December 2021 and continues to the present,
 7 having volunteered over 200 hours. This is his way of regularly contributing to
 8 society while he seeks new employment.

9 Mr. Goulin has maintained all of these activities for nearly two years; he is
 10 dedicated to them, and they are the foundations of his new life. He is proud of
 11 these activities, and his references all mention that Mr. Goulin has told them about
 12 his SCA meetings and his volunteer work. The Court can see Mr. Goulin's passion
 13 for helping others, for being among a community. Unable to work in the field he
 14 had been in for his entire adult life, Mr. Goulin immediately found new ways to
 15 help people, he found a new community, he became a leader in that community,
 16 and he stayed productive and active. Mr. Goulin knows he is going to prison, but
 17 he took the initiative anyway to begin his reform now, to be continued while he is
 18 in custody, and to be best set up for success when he is released.

19 **B. SECTION 3553(a)(2): THE NEED FOR THE SENTENCE IMPOSED**

20 The next factors under § 3553(a) concern the need for a particular sentence.
 21 The mandatory principle of § 3553 is a limiting one; the sentence must be
 22 “*sufficient, but not greater than necessary*,”¹ to satisfy the need for the sentence
 23 imposed:

24 (A) to reflect the seriousness of the offense, to promote respect for the
 25 law, and to provide just punishment for the offense; (B) to afford
 26 adequate deterrence to criminal conduct; (C) to protect the public
 from further crimes of the defendant; and (D) to provide the defendant

27 ¹ The Adelson court noted “necessary” is the “operative word.” Adelson, 441 F.
 28 Supp. 2d at 515.

1 with needed educational or vocational training, medical care, or other
2 correctional treatment in the most effective manner.

3 18 U.S.C. § 3553(a)(2) (emphasis added).

4 Courts across the country have recognized that they must honor this
5 provision. See, e.g., United States v. Carty, 520 F.3d 984, 991 (9th Cir. 2008);
6 United States v. Spigner, 416 F.3d 708, 711 (8th Cir. 2005).

7 **1. THE SERIOUSNESS OF THE OFFENSE**

8 The instant case undoubtedly involves an extremely serious offense and the
9 sentence imposed should be proportionate to the seriousness of this crime. As
10 demonstrated by the Plea Agreement and Mr. Goulin's total acceptance of
11 responsibility, Mr. Goulin fully appreciates the seriousness of his offense and is
12 deeply remorseful for his actions. His husband Sanford said it best: "These crimes
13 are not excusable. Full stop." (Exhibit G, p. 10.) Mr. Goulin himself has reflected
14 extensively on the seriousness of his offense. He has written, "Viewing and
15 collecting illegal pornography is sick and wrong. The activity that surrounds its
16 production is evil. There is no other word for it." (Exhibit A, p. 5.)

17 Mr. Goulin makes no excuse for his actions, and his plea, his actions in the
18 last two years, and his letter to the Court all reflect that. Nonetheless, the elephant
19 in the room must be addressed: Mr. Goulin's offending conduct in no way ever
20 made its way into his professional practice. It was a completely separate activity
21 that he compartmentalized in his mind; the Dr. Goulin treating patients at Cedars-
22 Sinai and Gary at home engaging in this conduct were almost two separate people.
23 He never harmed a patient in any way. Mr. Goulin notes that his professional
24 experience with victims of trafficking and abuse makes him all the more aware of
25 the harm caused by his actions and therefore all the more motivated to atone for
26 them and share that knowledge with others. (Exhibit A.)

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1 **2. THE NEED TO PROVIDE JUST PUNISHMENT AND**
2 **PROMOTE RESPECT FOR THE LAW**

3 18 U.S.C. § 3553(a) mandates that the court consider the need for the
4 sentence imposed to provide just punishment for the offense. 18 U.S.C. §
5 3553(a)(2)(A). In determining whether a punishment is “just,” a number of factors
6 need to be considered. A “just” punishment is punishment that “fits the crime.”
7 Simon v. United States, 361 F. Supp. 2d 35, 43 (E.D.N.Y. 2005). The punishment
8 should not be unreasonably harsh under all of the circumstances of the case. See
9 United States v. Wilson, 350 F. Supp. 2d 910 (D. Utah 2005) (citing S. Rep. No.
10 98–225, at 75–76 (1983), *as reprinted in* 1984 U.S.C.C.A.N. 3182, 3258–59.)

11 In the nearly two years since his arrest, Mr. Goulin has done everything
12 possible to be productive, to be law-abiding, and to take responsibility for breaking
13 the law and creating victims through his conduct. He has complied with all Court
14 orders, and he has not required the Government to expend its resources to secure
15 his arrest or his conviction. In addition to the emotional pain and shame associated
16 with a criminal conviction and sex offender registration, Mr. Goulin faces
17 tremendous personal and professional consequences as a result of this case. It is
18 clear that the experience of being investigated, indicted, and convicted at this stage
19 in Mr. Goulin’s life has already punished his wrongdoing and promoted respect for
20 the law. He knows he is facing years in custody, and he acknowledges that that is
21 an appropriate and just consequence of his actions.

22 The twin aims of just punishment and promoting respect for the law can –
23 and therefore must – be achieved with a combination of 48 months in prison
24 followed by a 15-year period of post-release supervision. Mr. Goulin will be over
25 eighty years old by then. Accordingly, this Court should consider whether
26 spending additional years in prison is strictly necessary to meet these aims.

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3. THE NEED TO PROTECT THE PUBLIC

Another factor to consider in determining the need for the sentence imposed is whether or to what extent society needs to be protected from the defendant. Mr. Goulin has no prior criminal history. He has accepted responsibility and from the beginning expressed remorse and understanding of the victimization that results from the consumption of child pornography. The steps Mr. Goulin has already taken to change his thoughts and behaviors, both through therapy and monitoring software, have and will continue to protect the public. Post-release supervision will provide additional reassurance with strict limitations on and monitoring of his internet use. Additional custody time is not needed to protect the public. The public is not best served by keeping Mr. Goulin in custody. On the contrary, society will best benefit from allowing Mr. Goulin to safely return to the community and find new ways to help others, as he has done his entire life and as he has done since his arrest. Protecting the public does not require that Mr. Goulin be removed from society and warehoused in federal prison for any longer than 48 months.

i. THERE IS A LOW LIKELIHOOD OF RECIDIVISM

Further, in determining whether the length of the sentence is adequate to protect the public from further crimes of the defendant, it is also relevant to determine a defendant's likelihood of recidivism.

Given Mr. Goulin's lack of any criminal history, age (he is 62 years old),² and the immense shame and stress he and his family have already suffered as a result of this case, it is extremely unlikely he would recidivate. Studies have shown that "Separately, age and criminal history are consistent predictors of recidivism. Considered together, they are even better predictors of recidivism." (U.S.

² See Simon v. United States, 361 F. Supp. 2d 35 (E.D.N.Y. 2005) (granting non-Guideline sentence and noting that recidivism rate for defendants between the age of 41 and 50 with a criminal history category of III is less than half that of defendants under the age of 21.)

1 Sentencing Commission, Recidivism of Federal Offenders Released in 2010 30
 2 (September 2021), available at
 3 [https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-](https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2021/20210930_Recidivism.pdf)
 4 [publications/2021/20210930_Recidivism.pdf](https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2021/20210930_Recidivism.pdf).) Recidivism rates plummeted from
 5 66.6% for Category I offenders under age 21 at time of release to just 9.4% for
 6 Category I offenders aged 60 or over at release. Id. at 30.

7 Mr. Goulin's evaluations from the Sexually Offending Behavior Recovery
 8 program also identify him as being at low risk of recidivism. The final evaluation
 9 report marks him as "Very Low Risk" and notes:

10 "Client's risk level was determined by behavioral compliance,
 11 positive attitude, regular attendance at group therapy and 12-Step
 12 meetings, as well as voluntary use of the Accountable2You
 13 monitoring software. From the beginning, client has demonstrated
 14 remorse and a desire to learn from his past mistakes. Client has had no
 15 relapses of any kind while in treatment. He developed a detailed
 16 Safety Plan that includes daily recovery rituals, and ongoing support
 17 from family and 12-Step members."

18 (Exhibit I, p. 14.)

19 Accordingly, the Court should consider Mr. Goulin's very low risk of
 20 recidivism in determining his sentence.

21 **4. THE NEED TO PROVIDE THE DEFENDANT WITH** 22 **CORRECTIONAL TREATMENT IN THE MOST EFFICIENT** 23 **MANNER**

24 The final factor for the Court to consider in evaluating the need for the
 25 sentence imposed is the need to provide the defendant with educational or
 26 vocational training, medical care, or other correctional treatment in the most
 27 efficient manner. There is no dispute that Mr. Goulin needs correctional treatment
 28 in the form of counselling to address the condition that led to the offense.

Furthermore, he agrees with Probation's recommendation that he would benefit
 from the RDAP program in custody. Forty-eight months will give Mr. Goulin
 ample time to benefit from the programming provided by the Bureau of Prisons.

Mr. Goulin has already established a routine and a structure by which he has
 been receiving "correctional treatment" in the community, to which he will return

1 upon his release. Since his arrest on November 4, 2021, Mr. Goulin has attended
 2 weekly individual therapy sessions as well as weekly or bi-weekly psychiatric
 3 sessions. In November 2021, he enrolled in the Sexually Offending Behavior
 4 Recovery program, a treatment program certified by the California Sex Offender
 5 Management Board. In January, 2023, he successfully graduated from this
 6 program. The program director, Sharon O'Hara, writes:

7 "Mr. Goulin continues to present as a low-risk offender when it comes
 8 to any recidivism . . . Gary also falls into a low-risk category because
 9 of his age (62), his long-term relationship (28 years), and his lack of
 10 any history of violence or prior arrests of any kind. As stated
 previously, Gary's positive attitude and adherence to his behavioral
 commitments over the last year continue to indicate an excellent
 prognosis for Mr. Goulin's ongoing recovery."

11 (Exhibit I, p. 17.)

12 Following his completion of that program, Mr. Goulin began therapy
 13 programming at SPERO Psychological Services.

14 In addition to these counselling sessions and his own individual counselling,
 15 Mr. Goulin has been a dedicated participant in Sexual Compulsives Anonymous
 16 meetings. His first meeting was November 10, 2021, less than a week after his
 17 arrest. (Exhibit H, p. 1.) He got a sponsor on November 19, 2021, and he has
 18 attended a meeting almost daily since then; September 25, 2023, was his 562nd
 19 meeting. (Id. at p. 25.) In February, 2022, he was elected leader and secretary of
 20 his Wednesday weekly meeting, as well as being elected fund-raising chairman for
 21 the SCA Los Angeles Annual Convention to be held in February, 2023. As
 22 secretary and leader of the Wednesday weekly meeting, he brought the meeting
 23 from a Zoom format to in-person. He continued to lead and secretary the
 24 Wednesday in-person meeting until the end of his term on January 31, 2023. He
 25 continues to intermittently lead the Saturday morning in-person meeting as well as
 26 the Tuesday evening Zoom meeting. At every meeting, whether he leads or not, he
 27 participates in some way—reading one of the passages, giving a "long share", or
 28 sharing during the general sharing portion of the meeting. As detailed in Exhibit H,

1 he takes an active role in almost every meeting. Through SCA he has formed a
2 network, found a sponsor, and demonstrated a daily commitment to learning about
3 and working through the thoughts and behaviors that led him here. Thus, the Court
4 can rest assured that Mr. Goulin already has benefitted from treatment in the
5 community and will continue to do so after his release; his recovery and reform
6 started long before his sentence, and it will continue long after.

7 **IV.**

8 **CONCLUSION**

9 For the foregoing reasons, Mr. Goulin asks the Court to sentence him to 48
10 months in custody. This sentence is sufficient, but not greater than necessary, to
11 achieve the goals of sentencing for Mr. Goulin, in light of his law-abiding history,
12 his productive and peaceful character, and his demonstrated commitment to
13 correcting his wrongs. This sentence serves to reflect the seriousness of the
14 offense, promote respect for the law, and provide just punishment.

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16 Dated: September 29, 2023

Respectfully submitted,
WERKSMAN JACKSON & QUINN LLP

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20 Mark J. Werksman
21 Karen M. Sosa
22 Attorneys for Defendant
23 Gary Goulin
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